

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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LAMAR ANDERSON,

Plaintiff,

v.

C/O ROHWER, et al.

Defendants.

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ORDER

Case No. 20-cv-1037-bbc

On November 30, 2020, I entered an order assessing plaintiff Lamar Anderson an initial partial payment of \$8.33 for filing the above case, which was due by December 21, 2020. Dkt. 5. Now plaintiff filed letter explaining why he cannot pay the filing fee, which I will construe as a motion to waive the initial partial filing fee. Dkt. 6.

In 28 U.S.C. § 1915, Congress has dictated the manner in which prisoners must pay the fees for filing federal lawsuits and appeals, and I have no discretion to modify this method. In calculating the amount of plaintiff's initial partial payment in this case, I used the trust fund account statements plaintiff submitted on November 30 in support of his for leave to proceed without prepaying the fee. Dkt. 4. The trust fund account statements show that plaintiff has had deposits made to his account, which I was able to calculate plaintiff's average monthly deposits to be \$8.33. Therefore, I will deny without prejudice plaintiff's motion to waive the initial partial filing fee.

However, I will give plaintiff an extension of time until January 21, 2021, to submit the \$8.33 initial partial payment. If by January 21, plaintiff is still unable to pay the \$8.33 initial partial payment, plaintiff should submit an updated trust fund account statement or other documentation that shows how his financial situation has changed.

ORDER

IT IS ORDERED that:

1. Plaintiff Lamar Anderson's motion to waive the initial partial payment in the above case, dkt. 6, is DENIED without prejudice.
2. Plaintiff may have an enlargement of time to January 21, 2021, in which to submit a check or money order payable to the clerk of court in the amount of \$8.33 or to submit an updated trust fund account statement. If plaintiff does not have enough money in his regular account to pay the \$8.33 initial partial payment, plaintiff may use funds from his release account to pay the \$8.33 initial partial payment.
3. If, by January 21, 2021, plaintiff fails to make the \$8.33 initial partial, or to show cause for his failure to do so, plaintiff will be held to have withdrawn the action voluntarily and the case will be closed without prejudice to plaintiff's filing this case at a later date.

Entered this 28th day of December, 2020.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge